

REMARKS

The Office Action of September 1, 2010, has been reviewed and these remarks are responsive thereto. Claim 20 has been canceled in the present paper, and claims 21-24 and 27 were canceled previously, all without prejudice or disclaimer. No new matter has been added. Claims 1-19, 25, 26, and 28-43 remain pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-10, 12, 13, 16, 20, 25, 28-34, and 42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. pat. no. 6,895,240 to Laursen et al. (“Laursen”). This rejection is traversed below.¹

Amended independent claim 1 recites, among other features, “negotiating a communication connection between the first and the second mobile terminals responsive to the selection input, the negotiating including the first mobile terminal establishing the communication connection with the second mobile terminal; and transferring the resource related information from the first mobile terminal to the second mobile terminal over the communication connection.” Illustrative, non-limiting support for the amended features of claim 1 may be found in the filed specification when read as a whole, and for example, at page 9, line 22 – page 11, line 28.

Laursen fails to disclose the above-noted features recited in claim 1. In Laursen, a commanding mobile station 520 (provision entity 502) commands a proxy server 510 to fetch fleet data in a fleet server 506 and push that fleet data from proxy server 510 to a fleet of mobile stations. *See* Laursen at col. 10, line 57 – col. 11, line 26 and col. 12, lines 14-20. Thus, even assuming (without admitting) that commanding mobile station 520 of Laursen could have been analogized to the first mobile terminal recited in claim 1, and that the fleet data of Laursen could have been analogized to the resource related information recited in claim 1, Laursen fails to

¹ The Office Action at page 2 includes claim 26 in the enumeration of claims rejected under section 102 based on Laursen. Yet, the Office Action (at page 5) fails to include a discussion of how Laursen discloses the features of claim 26. The Office Action at page 10 rejects claim 26 under section 103 based on a combination of Laursen and U.S. pub. no. 2002/0120719 to Lee et al. (“Lee”). For purposes of this paper, Applicants presume that the Office did not intend to include claim 26 in the section 102 rejection. If that is not the case, Applicants request clarification in the next communication.

describe commanding mobile station 520 transferring the fleet data to the fleet of mobile stations (e.g., the alleged second mobile terminal). Instead, in Laursen, proxy server 510 pushes the fleet data to the fleet of mobile stations. Amended claim 1 is distinguishable from Laursen for at least the foregoing reasons.

Independent claim 25 is directed to an apparatus that comprises a wireless communication terminal and a controller that is configured to send resource related information (after having previously received that information) to a wireless terminal via a push command. As discussed above with respect to claim 1, in Laursen, proxy server 510 pushes the fleet data to the fleet of mobile stations. Laursen fails to disclose that proxy server 510 includes a wireless communication terminal. As such, Laursen fails to anticipate claim 25.

Independent claim 42 recites features similar to those described above with respect to claim 1. Claim 42 is distinguishable from Laursen for at least reasons substantially similar to those described above with respect to claim 1.

Claims 2-10, 12, 13, 16, and 28-34 each depend from one of claims 1 and 25 and are distinguishable from Laursen for at least the same reasons as their respective base claims. Claims 2-10, 12, 13, 16, and 28-34 are further distinguishable from Laursen in view of the features recited therein. For example, claim 3 recites “wherein the information comprises a URL.” In rejecting claim 3, the Office Action at page 3 contends that Laursen at col. 5, lines 40-65 describes the above-noted features recited in claim 3. Laursen at col. 5, lines 40-65 merely describes that a communication connection between PC 110 and server 104 and mobile station 106 and proxy server 114 may take place via HTTP and HDTP protocols, respectively. Tellingly, Laursen at col. 6, lines 44-66 and Figure 3 describes the fleet data 300 (e.g., the alleged (resource related) information of claims 1 and 3). As shown in Figure 3 of Laursen, the fleet data includes a call list and network configuration parameters. Laursen is completely silent with respect to the fleet data including a URL. Claim 3 is distinguishable from Laursen for at least these additional reasons.

Claim 10 recites “wherein the connection is made directly between the terminals.” Contrary to the contentions in the Office Action, Laursen fails to describe the above-noted features recited in claim 10. As discussed above with respect to claim 1, Laursen describes a commanding mobile station 520 (provision entity 502) commanding a proxy server 510 to fetch

fleet data in a fleet server 506 and push that fleet data from proxy server 510 to a fleet of mobile stations. Thus, there is not a direct connection made between commanding mobile station 520 and the fleet of mobile stations in Laursen, as any alleged connection between commanding mobile station 520 and the fleet of mobile stations in Laursen is by way of proxy server 510. Claim 10 is distinguishable from Laursen for at least these additional reasons.

Claim 12 recites “wherein the connection comprises a low power radio frequency link.” The Office Action at page 4 cites to Laursen at col. 11, line 50 – col. 12, line 5 and col. 13, lines 34-38. Nowhere in the cited passages of Laursen is it described that a connection between the terminals (much less a direct connection as recited in claim 10, from which claim 12 depends) comprises a low power radio frequency link. In the event that the Office maintains a rejection of claim 12 based on Laursen, Applicants respectfully request the Office to specify *how* the cited passages of Laursen describe a direct connection that comprises a low power radio frequency link in order to provide Applicants with a more substantive basis for responding.

Claim 13 recites “wherein the negotiation of the connection comprises sending a request from the first terminal to the second terminal for approval to establish a connection between the terminals and on receiving approval from the second terminal establishing the connection.” The Office Action at page 4 contends that Laursen at col. 11, line 50 – col. 12, line 35; col. 13, lines 3-38; and claim 1 describes the above-noted features recited in claim 13. This is incorrect. Laursen fails to describe commanding mobile station 520 (the alleged first terminal) sending a request to one or more of the fleet of mobile stations (the alleged second terminal) for approval to establish a connection, much less establishing the connection on receiving approval from the second terminal as recited in claim 13. Any alleged approval in Laursen is between commanding mobile station 520 (provisioning entity 502) and one of proxy server 510 and fleet server 506. See Laursen at col. 10, line 57 – col. 11, line 26 (proxy server 510 authenticating commanding mobile station 520 based on a device ID) and claim 1 (fleet server authenticating a request from a provisioning entity). Claim 13 is further distinguishable from Laursen for at least these additional reasons.

Rejections Under 35 U.S.C. § 103

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Laursen in view of U.S. pat. no. 6,523,062 to Bridgman et al. ("Bridgman"). Claims 14, 15, 17-19, 26, 35-41, and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Laursen in view of U.S. pub. no. 2002/0120719 to Lee et al. ("Lee"). These rejections are traversed below.

Amended independent claim 35 recites features similar to those discussed above with respect to claim 1 and is distinguishable from Laursen for at least substantially similar reasons. Notwithstanding whether a combination of Laursen and Lee would have been proper, Lee fails to remedy the deficiencies of Laursen described above with respect to claim 35.

Claims 11 14, 15, 17-19, 26, 36-41, and 43, each depend from one of claims 1 and 25 and are distinguishable from the applied documents for at least the same reasons as their respective base claims, as Lee fails to remedy the deficiencies of Laursen described above with respect to claims 1 and 25 (notwithstanding whether the combination of documents would have been proper).

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly. All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: November 9, 2010

By: /Mark E. Wilinski/
Mark E. Wilinski
Registration No. 63,230
1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001